

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

THERESA A. JAMES,

Plaintiff,

v.

PETRA INDUSTRIES LLC,

Defendant.

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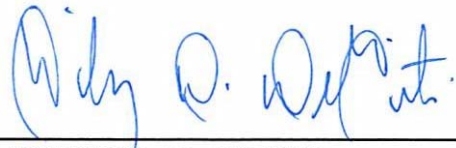
Case No. CIV-20-877-D

ORDER

Following removal of this case from state court, Defendant filed a Partial Motion to Dismiss Plaintiff's Disparate Impact Claim [Doc. No. 7]. During the pendency of the motion, Plaintiff filed a Second Amended Complaint [Doc. No. 10] and a Response Requesting the Court Deny Defendant's Partial Motion to Dismiss as Moot [Doc. No. 11]. This Second Amended Complaint supersedes Plaintiff's original pleading and renders it of no legal effect. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991); *Predator Int'l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180–81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007). Thus, Defendant's motion directed at the First Amended Petition is moot.

IT IS THEREFORE ORDERED that Defendant's Partial Motion to Dismiss Plaintiff's Disparate Impact Claim [Doc. No. 7] is **DENIED** as moot, without prejudice to refile a motion directed at the Second Amended Complaint. Plaintiff's response [Doc. No. 11] is hereby **STRICKEN**.

IT IS SO ORDERED this 1st day of October 2020.

A handwritten signature in blue ink, appearing to read "Timothy D. DeGiusti", is written above a horizontal line.

TIMOTHY D. DeGIUSTI
Chief United States District Judge